



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive . 101 Monroe Street . Rockville, Maryland 20850

Subject: Adoption of Building Construction Standards – IBC, IECC, IMC,
and IFGC/2000

Number: 35-01

Originating Department: Department of Permitting Services

Effective Date: Feb. 12, 2002

Montgomery County Regulation on:

ADOPTION OF BUILDING CONSTRUCTION STANDARDS DEPARTMENT OF PERMITTING SERVICES

Issued by: The County Executive
Regulation No. 35-01

Authority: Code Sections 8-13 and 8-14

Supersedes: Regulation No. 3-97

Council Review: Method 2 under Code Section 2A-15

Register Vol. 18, Issue 11

Comment Deadline: November 30, 2001

Effective Date: February 12, 2002

Sunset Date: None

SUMMARY:

This regulation adopts the 2000 editions of the International Building Code (IBC), the International Energy Conservation Code (IECC), the International Mechanical Code (IMC), and the International Fuel Gas Code (IFGC), with amendments. It governs all buildings and structures within Montgomery County, except detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress and their accessory structures.

ADDRESS:

Department of Permitting Services
255 Rockville Pike, Second Floor
Rockville, Maryland 20850-4166

BACKGROUND INFORMATION:

Inasmuch as the International Code Council (ICC) publishes the international series (I-series) of construction standards every three years, and the State of Maryland adopts these standards and obligates its political subdivisions to adopt the standards within a specific time period, Montgomery County must adopt these standards within the prescribed period.

Sec. 1.

This regulation is adopted pursuant to Sections 8-13 and 8-14 of the Montgomery County Code (MCC), 1994, as amended, and applies to the construction, alteration, addition, repair, removal, demolition, use, location, occupancy, and/or maintenance of all buildings and structures, and their service equipment, within Montgomery County, except detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress, and their accessory structures. It supersedes Executive Regulation 3-97, dated July 1, 1997, and all previous regulations adopting the BOCA and the International Code



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Council (ICC) standards. Its purpose is to adopt the 2000 editions of the IBC, the IMC, the IECC, and the IFGC, with amendments necessary to achieve uniformity and consistency with Maryland and Montgomery County laws and ordinances, as well as department/division policies and procedures. Where this regulation differs from the Montgomery County Fire Safety Code (fire code), it does not preempt or negate any more restrictive provisions of that code.

Sec. 2. Wherever the IBC references the ICC Electrical Code, replace the reference with Chapter 17 of the Montgomery County Code. Wherever the IBC references the ICC/ANSI A117.1, replace the reference with the Maryland Accessibility Code.

AMENDMENTS TO THE 2000 INTERNATIONAL BUILDING CODE (IBC)

Sec. 3. Section 101.1. Replace the parentheses and the phrase in the parentheses with "Montgomery County, Maryland."

Sec. 4. Section 101.2. To the exception add the following: A townhouse may include a *loft*. (See the definition *townhouse loft* in Sec. 6 of the executive regulation adopting the IRC).

Sec. 5. Sections 101.4.1, 101.4.4, 101.4.5, and 101.4.6. Delete.

Sec. 6. Section 102.6. Delete the phrase "the International Property Maintenance Code."

Sec. 7. Sections 103, 107, 110, and 112. Delete.

Sec. 8. Section 105.1. Add the following: A separate permit is required for each separate building and address.

Sec. 9. Section 105.2. Delete all except subsections 105.2.1, 105.2.2, and 105.2.3. Section 105.5. Delete.

Sec. 10. Section 108.1. Replace the second sentence with the following: Required fees shall be paid for each separate permit application. Sections 108.2 through 108.6. Delete.

Sec. 11. Section 109.3.10. Add the following: The final inspection must be requested and approved before a building (or portion thereof) is used or occupied, whether or not a valid certificate of use and occupancy exists.

Sec. 12. Section 305.2. Change 2½ to 2.

Sec. 13. Section 308.2. Change the word "five" to "eight," and the word "six" to "nine."

Sec. 14. Section 308.3.1. Change 2½ to 2.



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Sec. 15. Section 310.1. After the description for Group R-3 occupancies, add the following:

Exceptions:

1. A *family day care home*, which is a dwelling in which child day care services are provided: a) in the home where the registrant is the provider and a resident, or where the registrant is not a resident, but more than half of the children cared for are residents; b) for not more than eight children, including the children of the provider, who are less than six years of age, and; c) where staffing complies with state and local regulations, but no more than two non-resident staff members are on site at any time, may be classified as Group R-3, or as a one- or two-family dwelling conforming to the IRC.
2. A *group day care home*, which is a dwelling in which child day care services are provided: a) in the home where the licensee is the provider and a resident; b) for nine to 12 children, including the children of the provider, and; c) where staffing complies with state and local regulations, but no more than three non-resident staff members are on site at any time, may be classified as Group R-3, or as a one- or two-family dwelling conforming to the IRC.

Sec. 16. Section 903.1.1. Delete and replace with the following: 903.1.1 Alternative Protection. Where water as an extinguishing agent is not compatible with the fire hazard, or is prohibited by a law, statute, or ordinance, the affected area must be protected by an approved automatic fire-extinguishing system utilizing an extinguishing agent that is compatible with the fire hazard.

Sec. 17. Section 903.2.8. Delete and replace with the following: 903.2.8 Groups R-2 and R-3. An automatic sprinkler system must be provided throughout all buildings with a Group R-2 or R-3 fire area in accordance with Section 903.3.1.1 or 903.3.1.2, as applicable.

Exceptions:

1. An automatic sprinkler system is not required in a single dwelling unit located in a mixed-use building that is not required to have an automatic sprinkler system by this code or the fire code, provided that the dwelling unit has independent means of egress and that the dwelling unit and its means of egress are separated by at least two-hour fire resistance rated construction.
2. An automatic sprinkler system in a Group R-3 multiple single-family dwelling (townhouse), as applicable in Section 101.2, having no superimposed dwelling unit(s) may be designed in accordance with Section 903.3.1.3.

Sec. 18. Section 907.3.3. Delete.



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- Sec. 19. Section 1003.2.12. After the first occurrence of the phrase “floor or grade below” insert the phrase “and retaining walls with a difference in grade level on either side of the wall exceeding 4 feet (1219 mm) and within 2 feet (610 mm) of a walk, path, parking lot, or driveway on the high side.”
- Sec. 20. Section 1003.3.3.3, Exception 5. Change 7.75 to 8.25 and 10 to 9.
- Sec. 21. Section 1003.3.3.8. Change 11 to 9.
- Sec. 22. Section 1004.2.2.1. Add the following exception: 3. In buildings of Group R-2 four stories or less in height above the grade plane equipped with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2, where there are two required exterior stairways connected by open-ended corridors in accordance with Section 1005.3.6.5, Exception 4, the remoteness, measured to the near edge of required landings, shall be at least one fourth the length of the maximum overall diagonal dimension of the area served.
- Sec. 23. Section 1004.3.2.1, Exception 4. Replace with the following: A fire resistance rating is not required for corridors within single-tenant Group B occupancies.
- Sec. 24. Chapter 11. Delete and replace with the Maryland Accessibility Code.
- Sec. 25. Section 1301.1.1. Add the following: Exception: One-story additions of 200 square feet, or less.
- Sec. 26. Section 1612.3. After the heading, delete the text and replace with the following: The Floodplain District in Montgomery County is established in Section 3 of Executive Regulation 108-92 AM, Floodplain Regulations, per the authority in Article III, Chapter 19 of the Montgomery County Code.
- Sec. 27. Add a new section as follows: Section 1801.2.2 Special conditions. Design and construction of all buildings and structures within 1000 feet of a known municipal solid waste (MSW) landfill site that does not currently have an operational land fill gas (LFG) monitoring and removal system, shall require special engineering of foundation systems, including walls and floor slabs, to provide for the safety of occupants against hazards from LFG concentration. Special subsurface investigations shall be conducted, at the owner’s expense, by an approved and qualified engineer or geologist to determine the extent of the potential hazard. The study must identify the potential hazards, and mitigation plans for the site must be incorporated into the construction documents and approved prior to issuance of a building permit. All buildings and structures within 1000 feet of the boundary of a MSW landfill shall be equipped with a methane gas detector with an alarm activation level of 20% of the lower explosive limit (LEL--1% by volume).
- Sec. 28. Section 1805.2.1. After the word “locality” insert “(at least 24 inches below the adjacent finished grade).”



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- Sec. 29. Chapter 29. Delete.
- Sec. 30. Sections 3001.2, 3001.3, and 3001.4. Delete and replace with the following: 3001.2 Standards. The Maryland Department of Labor, Licensing, and Regulation, Division of Labor and Industry, regulates the design, installation, inspection, and testing of all hoisting and conveying equipment.
- Sec. 31. Section 3107.1. Delete and replace with the following: Section 3107.1 General. Signs must comply with Chapter 59 of the Montgomery County Code, 1994, as amended.
- Sec. 32. Chapter 34. Delete and replace with the Maryland Building Rehabilitation Code.
- Sec. 33. Appendix F. Appendix F is hereby adopted in its entirety.
- Sec. 34. Appendix G. Appendix G is hereby adopted in its entirety and amended as follows: Section G102.1. Insert after *International Building Code* the phrase "and the provisions of Article III, Chapter 19 of the Montgomery County Code, and Executive Regulation 108-92 AM."; Section G102.2. Add the phrase "the effective date of this regulation."
- Sec. 35. Appendix I. Appendix I is hereby adopted in its entirety.

AMENDMENTS TO THE 2000 INTERNATIONAL ENERGY CONSERVATION CODE (IECC)

- Sec. 36. Section 101.1. Replace the parentheses and the phrase in the parentheses with "Montgomery County, Maryland."

AMENDMENTS TO THE 2000 INTERNATIONAL MECHANICAL CODE (IMC)

- Sec. 37. Section 101.1. Replace the parentheses and the phrase in the parentheses with "Montgomery County, Maryland."
- Sec. 38. Sections 106.4.3, 106.4.4, 106.5, and 109. Delete.
- Sec. 39. Chapter 10. Delete all except Sections 1002.2 and 1002.3.

AMENDMENTS TO THE 2000 INTERNATIONAL FUEL GAS CODE (IFGC)

- Sec. 40. Section 101.1. Replace the parentheses and the phrase in the parentheses with "Montgomery County, Maryland."
- Sec. 41. Sections 106.4.3, 106.4.4, 106.5, and 109. Delete.



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Sec. 42. Chapter 4. Delete all except Sections 401.2, 402.5.1, 412, 413, and 414.

EFFECTIVE DATE

Sec. 43. This regulation is effective on February 12, 2002.